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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,659	02/11/2004	Koan S. Chong	300.0007	3378

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EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/776,659	Applicant(s) CHONG ET AL.	
	Examiner Li B. Zhen	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 20 are pending in the application.

Response to Amendment

2. Applicant's amendment to claims 15 – 20 overcomes the 35 USC § 101 rejection in the Non-Final Office Action dated 09/05/2006 and the 35 USC § 101 rejection to claims 15 – 20 is hereby withdrawn.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0046404 to O'Neill et al. [hereinafter O'Neill, cited in the previous office action] in view of U.S. Patent No. 7,149,299 to Triano et al. [hereinafter Triano].

7. As to claim 1, O'Neill teaches the invention substantially as claimed including a system for session initiation protocol communications on a server [a SIP server program 206; p. 3, paragraph 0047], comprising:

a server [SIP network server 408, 410 and 412; p. 4, paragraph 0054] supporting communications with a client [a SIP client program 204; p. 3, paragraph 0047 and p. 4, paragraph 0050] conforming to session initiation protocol [Session Initiation Protocol; p. 1, paragraph 0002], said client capable of communications with a plurality of servers [SIP user agents 200a, 200b and 200c are connected to the network server 408 in the domain 400, SIP user agents 200d, and 200e are connected to the network server 410 in the domain 402, and SIP user agents 200f and 200g are connected to the network server 412 in the domain 404; p. 4, paragraph 0054];

means for sending a service unavailable message [message library includes a respective delivery failure message for each SIP message delivery failure mode, including for example, destination SIP user agent unavailable, user unavailable; p. 5,

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paragraph 0064] to said client [respective SIP server selects an appropriate message from an associated message library (not shown) for inclusion with the original SIP message in step 522; p. 5 paragraph 0064], in response said client providing support for communications with a different server [allows control messages to be processed for delivery by another communications service when the intended destination network system is unavailable; p. 2, paragraph 0022]; and

means for terminating support for session initiation protocol communications on said server [button 306 represents the "BYE" request for terminating a call or a call request; p. 3, paragraph 0048].

Although O'Neill teaches the invention substantially, O'Neill does not teach means for setting a time period for gracefully terminating support for session initiation protocol communications on said server, means for causing said server to maintain support, until no later than the expiration of said time period for terminating support, for uncompleted session initiation protocol invites accepted by said server before sending said service unavailable message to said client; and means for terminating support for session initiation protocol communications on said server no later than upon expiration of said time period for terminating support.

However, Triano teaches a telecommunications system comprising a first SIP (session initiation protocol) Domain, a second Media Domain, means for supporting Call Completion on Busy Subscriber service both for subscribers of the first SIP Domain calling busy subscribers of the second Media Domain [col. 4, lines 13 – 25], means for setting a time period [expiration of T9 implies the release of TCAP resources as well as

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the sending of a BYE method from the NGW/DLE to the SIP side to shut down the SIP session; col. 8, line 52 – col. 9, line 12] for gracefully terminating support for session initiation protocol communications on said server [If any of these timer expirations occur, a TC-END with a CCBS CANCEL invoke component is sent from the NGW/OLE to the DLE at the SCN side to release TCAP resources, and a SIP BYE method is sent to the calling user (OU /SIP-UA); col. 11, line 61 – col. 12, line 12], means for causing said server to maintain support [if the retain option is supported, the supervision session remains active, waiting for a new attempt from the OLE although the T7 were not restarted; col. 8, lines 31 – 52], until no later than the expiration of said time period for terminating support [the expiration of T9 implies the release of TCAP resources as well as the sending of a BYE method from the NGW/DLE to the SIP side to shut down the SIP session; col. 8, line 51 – col. 9, line 12], for uncompleted session initiation protocol invites accepted by said server [support of the CCBS service in the aforementioned second scenario, where a SIP subscriber is calling to a busy SCN subscriber; col. 9, lines 11 – 20] before sending said service unavailable message to said client [col. 8, line 51 – col. 9, line 12]; and means for terminating support for session initiation protocol communications [TCAP resources are released as well as a BYE method is sent from the NGW/DLE to the SIP side terminating the SIP session; col. 8, line 51 – col. 9, line 12] on said server no later than upon expiration of said time period for terminating support [the NGW/DLE would proceed to terminate the SIP session with a BYE method instead of going ahead with the re-INVITE method; col. 8, line 51 – col. 9, line 12].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of O'Neill to incorporate the features of setting a time period for gracefully terminating support for session initiation protocol communications, causing the server to maintain support, until no later than the expiration of said time period for terminating support, for uncompleted session initiation protocol invites accepted by the server, and terminating support for session initiation protocol communications on the server no later than upon expiration of the time period for terminating support because this provides provision and support for Call Completion on Busy Subscriber service for Switched Circuit Network users calling to SIP subscribers with fewer impacts as possible in the currently proposed system architecture wherein SCN and IP domains mutually inter-work [col. 4, lines 1 – 12 of Triano].

8. As to claim 2, O'Neill teaches sending said service unavailable message in response to a session initiation protocol invite received by said server from said client [message library includes a respective delivery failure message for each SIP message delivery failure mode, including for example, destination SIP user agent unavailable, user unavailable; p. 5, paragraph 0064].

9. As to claim 3, O'Neill as modified by Triano teaches the server comprises means for informing said client of said time period for terminating support [timer Tr1 is activated

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as receiving it in the "retry-after" header; col. 7, lines 6 – 27 of Triano] together with said service unavailable message [p. 5, paragraph 0064 of O'Neill].

10. As to claim 4, O'Neill as modified by Triano teaches the rejecting session initiation protocol service invites after sending the service unavailable message to the client [col. 8, line 52 – col. 9, line 12 of Triano].

11. As to claim 5, O'Neill teaches a second server [SIP network servers; p. 4, paragraph 0054] supporting communications with said client conforming to session initiation protocol [a SIP server program 206; a SIP client program 204; p. 3, paragraph 0047].

12. As to claim 6, O'Neill as modified by Triano teaches sending server status test messages until the server re-establishes support for session initiation protocol communications [col. 10, line 46 – col. 11, line 3 of Triano].

13. As to claim 7, O'Neill teaches the client comprises means for deleting said server [SIP URL is invalid; p. 5, paragraph 0059] from a list of stream control transmission protocol associations [a location database; p. 5, paragraph 0059] until expiration of said time period for terminating support [user will be available at <time, date>; p. 5, paragraph 0064].

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14. As to claims 8 – 14, these are method claims that correspond to system claims 1 – 7; note the rejection to claims 1 – 7 above, which reads on these method claims.

15. As to claims 15 – 20, these are product claims that correspond to system claims 1 – 4, 6 and 7; note the rejections to claims 1 – 4, 6 and 7 above, which reads on these product claims.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. 2003/0014461 discloses a client control system for managing data in a centralized manner by a server.

CONTACT INFORMATION

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LBZ

Li B. Zhen
Examiner
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2/15/2007